



Infrastructure Charges Notice (Amended)

PLANNING ACT 2016, SECTION 121

Application number:	D/117-2021	Contact:	Aidan Murray
Date of Decision:	28 September 2023	Contact Number:	07 4936 8099

1. APPLICANT DETAILS

Name:	Essjay Contracting Pty Ltd		
Postal address:	153 Foster Street GRACEMERE QLD 4702		
Phone no:	Mobile no:	0427 809 603	Email: stuart@essjaycontracting.com

2. PROPERTY DESCRIPTION

Street address:	153 Foster Street, Gracemere
Property description:	Lot 12 on RP604012 and Lot 18 on SP206688, Parish of Gracemere

3. OWNER DETAILS

Name:	J T Bentley and S J Bentley
Postal address:	77 J Pierce Road, BOULDERCOMBE QLD 4702

4. DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Transport Depot

5. CHANGES TO INFRASTRUCTURE CHARGES NOTICES

Changed	28 September 2023
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6. INFRASTRUCTURE CHARGE

For a change application (minor), Council must recalculate the levied charges in accordance with the version of the Charges Resolution in effect when the Infrastructure Charges Notice (ICN) was issued.

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
		(\$)	Unit	(\$)	Unit	
Industry	All other uses as per AICN 5/14 Table 2.2.1	42.50	per m ² of GFA	8.50	per m ² of impervious area	\$54,622.70
			1,286.69 m ²		7,203.35m ²	\$59,448.49
Total						\$115,912.83
Less Credit						\$42,000.00

	TOTAL CHARGE	\$73,912.83
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This is based on the following calculations:

- (a) A charge of \$54,684.35 for Gross Floor Area being 1,286.69 square metres (industrial shed 844.48m², mezzanine 204.00m², offices 145.02m², relocated office building 80.59m² and facilities 12.60m² but excluding wash bay 209.59m²);
- (b) A charge of \$61,228.48 for Impervious Area being 7,203.35 square metres (existing covered area 204.73m², footprint building area 1,331.59m², pavement area 5,667.03m² but excluding gravel hardstand area 3,390.83m²); and
- (c) An Infrastructure Credit of \$42,000.00 made up as follows:
 - (i) 2 x \$21,000.00 – Infrastructure Credit applicable for the existing two allotments.

Therefore, a total charge of **\$73,912.83** is payable.

No refunds or offsets are applicable to the development.

This charge may be subject to automatic increases from when the charges are levied until when they are paid in accordance with section 121 of the *Planning Act 2016* and Council's Adopted Infrastructure Charges Resolution (No 5) 2015.

WHEN CHARGE IS PAYABLE

The infrastructure charges of **\$73,912.83** must be paid when the change of use happens.

7. LAPSING OF INFRASTRUCTURE CHARGES NOTICE

This Infrastructure Charges Notice lapses if the development approval to which it pertains ceases to have effect in accordance with section 85 of the *Planning Act 2016*.

8. RIGHTS OF APPEAL

This Decision Notice may be appealed in accordance with the following sections of the PA:

- (i) Chapter 6 (Dispute Resolution), Part 1 (Appeal Rights); and
- (ii) Schedule 1 (Appeals).

Appeals against an Infrastructure Charges Notice

The person given an infrastructure charges notice may appeal the infrastructure charges notice on 1 or more of the following grounds —

- (a) the notice involved an error relating to —
 - (i) the application of the relevant adopted charge; or
 - Examples of errors in applying an adopted charge —
 - The incorrect application of gross floor area for a non-residential development.
 - Applying an incorrect 'use category', under a regulation, to the development.
 - (ii) the working out of extra demand, for section 120 of PA; or
 - (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or
- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

To remove any doubt, it is declared that the appeal against an infrastructure charges notice must not be about —

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund —

- (i) the establishment cost of infrastructure identified in an LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

Appeals to the Planning and Environment Court

Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website:

<http://www.courts.qld.gov.au/courts/planning-and-environment-court>

Appeals to the Development Tribunal


Information about how to proceed with an appeal to the Development Tribunal may be found on the Department of Housing and Public Works' website:

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/DevelopmentTribunals.aspx>

9. ORIGINAL ASSESSMENT MANAGER

Name: Tarnya Fitzgibbon COORDINATOR DEVELOPMENT ASSESSMENT	Date: 30 November 2021
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10. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT	Signature: 	Date: 5 October 2023
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PAYMENT METHODS

An invoice for the Infrastructure Charge amount, including automatic increase, can be requested by contacting Council on telephone 07 4932 9000 or via email enquiries@rrc.qld.gov.au.

Payment methods will be detailed in an invoice and include paying in person, by credit card or BPAY.